

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
August 20, 2012  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Council Member Jeffrey M. Smith  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Chief Herman, Chief Comins, Barbara Wheeler, Brian Phelps, Gene Hayes, Beth Morris, Kurt Hauk, Mike Sligar, Erin Gardner

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Amendment to the City of Watertown Procurement Policy, Protest Procedure
- Resolution No. 2 - Approving Amendment No. 1 to Professional Services Agreement, GHD Consulting Engineers LLC
- Resolution No. 3 - Approving Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena, Watertown Minor Hockey Association
- Resolution No. 4 - Approving Agreement for Flat Fee Use of Athletic Fields, Sunday Touch Football League
- Resolution No. 5 - Approving Agreement for Flat Fee Use of Athletic Fields, Pop Warner Football League
- Resolution No. 6 - Approving a Special Use Permit Request to Operate an Automobile Detailing Business in a Neighborhood Business District at 804 State Street, Parcel 12-06-322
- Ordinance No. 1 - Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial
- Request to Acquire City Property on N. Hamilton Street
- Property Offer – 306 Rear Factory Street
- Extended Hours at the Flower Memorial Library
- Arena Concessions
- Sales Tax Revenue – July 2012
- Executive Session - Employment history of a specific individual and Collective Bargaining

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 6, 2012 and work session of August 13, 2012 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

## **COMMUNICATIONS**

A memo was received from Jeff Patterson, 249 and 251 North Hamilton Street, regarding his offer to purchase property along the playground fence on North Hamilton Street Playground. **Above communication was placed on file in the office of the City Clerk.**

## **PRIVILEGE OF THE FLOOR**

**Jeff Patterson**, 249 and 251 North Hamilton Street addressed the chair concerning a recent survey that was done at the North Hamilton Street Playground in which the property line was defined four feet into what he thought was his property. He explained that his in-laws have owned the property since 1966 stressing that there was a circular driveway in that area and if four feet is taken away then a vehicle could not access that driveway. He pointed out that in 1991 the property owner was asked to replace the sidewalk blocks contained in the four feet section. He further explained that his neighbor had a survey done in 1971 and measuring 76.37 feet from the metal pipe marking his neighbor's property line would include the four feet section in question.

Mayor Graham indicated that this would be discussed further under new business.

**Todd Doldo**, Doldo & Neddo Law Firm, representing Chad Johnson of T.S. Vendors addressed the chair regarding an offer to purchase city-owned property at 306 Rear Factory Street. He handed a packet of information to Council for review (not on file at the City Clerk's Office). He indicated that Mr. Johnson owns the property in front of the vacant 49.5' x 77.3' parcel and would like to avoid a public auction because it is land locked and the purchase would be very advantageous to Mr. Johnson's future business plan. He stated that Mr. Johnson's offer is close to the assessed value.

Mayor Graham said that staff needs to examine if there is a public use for this property and then a private sale would need to be approved by a 4/5th vote.

**James Mills**, City Comptroller explained that there is a staff report on this property in tonight's agenda and there would be restrictions to the sale due to an easement to access the sewer and water main lines.

Mayor Graham stated this would be discussed further under new business.

## **RESOLUTIONS**

### **Resolution No. 1 - Approving Amendment to the City of Watertown Procurement Policy, Protest Procedure**

#### **Introduced by Council Member Jeffrey M. Smith**

WHEREAS on September 6, 2011, the City Council approved the latest revision to the City's Procurement Policy identifying Amy M. Pastuf as Purchasing Manager for the City of Watertown, and

WHEREAS the City's Procurement Policy has been established and adopted by the City Council, and

WHEREAS the City's Purchasing Policy has been amended to include a Protest Procedure,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Purchasing Policy for the City of Watertown, a copy of which is attached and made part of this resolution.

**Seconded by Council Member Roxanne M. Burns and carried with all voting yea.**

### **Resolution No. 2 - Approving Amendment No. 1 to Professional Services Agreement, GHD Consulting Engineers LLC**

#### **Introduced by Council Member Joseph M. Butler, Jr.**

WHEREAS on February 27, 2012, the City Council of the City of Watertown approved Professional Services Agreement with GHD Consulting Engineers LLC for the disinfection improvements to the Watertown Wastewater Treatment Plant, and

WHEREAS on June 27, 2012, GHD has informed the City of Watertown that structural issues were discovered that require repair, and

WHEREAS Amendment No. 1 results in an additional amount of \$5,800 to the Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 1, a copy of which is attached and made part of this resolution, in the amount of \$5,800 to Professional Services Agreement with GHD Consulting Engineers LLC for the disinfection improvements to the Watertown Wastewater Treatment Plant, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the Agreement on behalf of City Council.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 3 - Approving Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena, Watertown Minor Hockey Association**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City of Watertown owns and operates an Arena at the Alex T. Duffy Fairgrounds, and

WHEREAS the Watertown Minor Hockey Association expressed their desire to enter into an Agreement for bulk rental of ice time at the Fairgrounds Arena to support their programs, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facility,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena between the City of Watertown and the Watertown Hockey Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Council Member Burns commented that she will support this and she is glad that a schedule was worked out with the Privateers and the Minor Hockey Association.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 4 - Approving Agreement for Flat Fee Use of Athletic Fields, Sunday Touch Football League**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City of Watertown owns and operates the Alex T. Duffy Fairgrounds, and

WHEREAS the Sunday Touch Football League has expressed their desire to enter into an Agreement for Flat Fee Use of Athletic Fields to support their program, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facility,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Agreement for Flat Fee Use of Athletic Fields at the Alex T. Duffy Fairgrounds between the City of Watertown and the Sunday Touch Football League, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Council Member Butler asked which fields are used.

**Erin Gardner**, Parks and Recreation Superintendent indicated that both the main field and non-premier fields are used. She explained that this includes games and practices and the season goes into the middle of November. She stated that she does not have a schedule from them as of yet but last year they paid approximately \$600 for the season for nine teams and this year the fee would be \$700 for seven teams.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 5 - Approving Agreement for Flat Fee Use of Athletic Fields, Pop Warner Football League**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City of Watertown owns and operates numerous athletic fields throughout the City, and

WHEREAS the Pop Warner Football league has expressed their desire to enter into an Agreement for Flat Fee Use of Athletic Fields for practice events, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facilities,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Agreement for Flat Fee Use of various City-owned Athletic Fields at between the City of Watertown and the Pop Warner Football League, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

**Seconded by Council Member Jeffrey M. Smith**

Prior to the vote on the foregoing resolution, Mayor Graham said that he assumes that there are

situations that do not conform to the constructs of the City Code and that is why they come before Council independently.

Ms. Gardner agreed and confirmed that Council may see more of these situations. In response to Mayor Graham's inquiry, she stated that fees are collected ahead of time and in regards to delinquencies, there is nothing over 30 days.

Council Member Butler asked how the agreement with Pop Warner was derived.

Ms. Gardner indicated that it was discussed among some department heads and since there was not a fee for non-premier fields, they were never charged before. She added that Pop Warner is aware that there will be a charge.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 6 - Approving a Special Use Permit Request to Operate an Automobile Detailing Business in a Neighborhood Business District at 804 State Street, Parcel 12-06-322**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS Stan Layo has made an application for a Special Use Permit to operate an automobile detailing business in a Neighborhood Business District at 804 State Street, parcel 12-06-322, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on August 7, 2012, and recommended that the City Council of the City of Watertown approve the request with the following conditions

1. The applicant shall repair the fence along the rear yard property line, and install landscaping alongside in conformance with the Landscaping and Buffer Zone Guidelines.
2. The applicant shall install a minimum 5 foot wide landscaped buffer between the sidewalk and the parking lot along the north and west edges.
3. The applicant shall pave the northern and western parking areas.

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on Tuesday, September 4, 2012, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part II and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow automobile detailing at 804 State Street is an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to Stan Layo to operate an automobile detailing business at 804 State Street, parcel 12-06-322, contingent upon the applicant meeting the conditions listed above.

**Seconded by Council Member Teresa R. Macaluso**

**Motion was made by Council Member Roxanne M. Burns to schedule a Public Hearing on the foregoing resolution for Tuesday, September 4, 2012 at 7:30 p.m. Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.**

## **ORDINANCES**

**Ordinance No. 1 - Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial**

**Introduced by Council Member Jeffrey M. Smith**

BE IT ORDAINED where David Wise of Stebbins Engineering has submitted a request to change the approved zoning classification of the rear portion of 473 Eastern Boulevard, parcel 5-26-103.004, from Residence B District to Light Industrial District, and

WHEREAS the Planning Board of Jefferson County reviewed the request at its meeting held on July 31, 2012, pursuant to General Municipal Law Section 239-m, and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown considered the zone change at its meeting held on August 7, 2012, and adopted a motion recommending that the City Council approve the zone change as requested, and

WHEREAS a public hearing was held on the proposed zone change on September 4, 2012, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change,

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of the rear portion of 473 Eastern Boulevard, parcel 5-26-103.004, is hereby changed to Light

Industrial District, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

**Seconded by Council Member Joseph M. Butler, Jr.**

**Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing ordinance for Tuesday, September 4, 2012 at 7:30 p.m. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.**

## **DISCUSSIONS**

### **Request to Acquire City Property on N. Hamilton Street**

Ms. Addison stated that she visited the site and there is a shed between the house and the playground fence. She indicated that she was informed by staff that the fence was placed inside a four foot boundary in order for DPW to cut the grass outside of the fence. She explained that the City would need to apply through New York State in order to sell parkland. She recommended the City do nothing.

Council Member Butler asked how to resolve conflicting surveys.

Attorney Slye stated that he has not been to the property but the issue is that Mr. Mix identified this as parkland and the City does not have the authority to sell parkland without the approval of the New York State Legislature. He indicated that when a municipality owns property in its municipal capacity you cannot adversely process against a municipality. He said that the City's decision not to go to New York State does not mean that Mr. Patterson is not permitted to continue to use the property.

Council Member Smith asked if the land could be leased.

Attorney Slye replied that the land cannot be leased without State Legislative approval.

Mayor Graham asked if there is a downside to leaving it as it is.

Attorney Slye responded that he does not know if one exists.

Mayor Graham said that he has no objection to looking at the property.

Mr. Patterson pointed out that the four foot boundary is only on his side and the fence is on the property line surrounding the rest of the playground. He added that the claim of the DPW



needing a four foot boundary is false because the fence was not put up by DPW and was there prior to the playground when it was Hamilton Street School. In addition, he stressed that the City has not cared for this property and when he requested that trees on his side of the fence be removed, he was told to do it himself.

Mayor Graham mentioned that this is difficult because there are limited options.

Mr. Patterson told Council that he does not want trouble down the road if he wants to sell his property because it is a double house with driveways on both sides.

Mayor Graham suggested inquiring with Senator Richie's office on how to handle this type of issue.

Mr. Patterson noted that if the current survey is correct then his property would shift four feet into his neighbor's property.

Council Member Burns pointed out that the City does not do survey work.

In response to Mayor Graham's question, **Kurt Hauk**, City Engineer stated that the survey was done by Tom Storino, Storino Geomatics, at the request of Parks and Recreation for a fence line determination on the other side of the playground.

Mayor Graham advised staff to check into this further and report back to Council.

#### **Property Offer – 306 Rear Factory Street**

Mr. Mills told Council that in 2009 it was reviewed at the time of acquisition and the City's position was to hold onto the property in order to maintain a right of way to the sewer and water main lines.

Mayor Graham remarked that this property was not going to go to anyone else and nothing could be built on it.

Attorney Slye stated that nothing could be constructed over the water easement. He suggested that if it was sold then the title should be taken under the same name as the property in front of it and that the entire property is redefined as one lot.

Attorney Doldo indicated that it is one contiguous piece of property and would transfer it into the larger portion of the property.

Mayor Graham asked for the intended use for the property.

Attorney Doldo stated that it would be used for parking.

Council Member Burns asked if the rear parking is needed to benefit the existing business.

**Chad Johnson**, 329 Broadway Avenue West told Council that he had submitted plans to the Code Enforcement Office but he cannot move forward without additional room for handicapped parking.

Attorney Doldo noted that Mr. Johnson has invested approximately \$150,000 in rehabilitation plans.

Council concurred to sell the property with the easements since nothing else can be done with this property.

Mr. Hauk stated that there would need to be emergency language in the contract to allow the City to access the area immediately in case there was a major water main break.

Council Member Butler asked how much the City would have been paid if the property was on the tax roll.

Mr. Mills replied it would have been approximately \$30 per year.

Mayor Graham instructed staff to move forward with a private sale after Attorney Slye finalizes the provisions.

#### **Extended Hours at the Flower Memorial Library**

**Barbara Wheeler**, Library Director indicated that she has volunteered to work as the librarian on Sundays and that she just needs to hire two temporary clerks in order to start the pilot program in October.

Mayor Graham thanked her for her cooperation and help in moving this along.

Council Member Macaluso asked if the City was going to hire someone for eight weeks.

Ms. Wheeler mentioned that she does have a couple of people that are interested in the position.

#### **Arena Concessions**

Mayor Graham stated that his first impression is that there needs to be a better handle on labor costs and if full-time public sector employees are used to run the snack bar then the cost is higher. He mentioned that this should be looked at for the long term use.

Council Member Smith commented that the register system has been a constant problem and that only one person can sign into it at a time. He suggested that it is very complicated.

Ms. Gardner agreed that the register system is too complicated for what is needed at that concession stand. She noted that almost every time the concession stand is open, the vendor needs to be called to help with problems.

Council Member Smith mentioned that with increased use at hockey events, efficiency is needed in order to make a profit. He stressed that this needs to be addressed prior to the hockey season.

Mayor Graham advised that the register should be used at the level to which it needs to be used and suggested that maybe it is being used in too complicated of a mode.

Ms. Gardner said that the department is only using it for the features that they need it for but errors occur that cannot be fixed so the contact person needs to be called. She indicated that everything needs to be scanned which is time consuming and that only one person can run the register causing long lines.

Mayor Graham suggested doing away with scanning the bar codes and using a simplified price look up. He agreed with Council Member Smith that too much control can get in the way.

Council Member Butler asked if the single user could be overridden.

Ms. Gardner stated that she would have to ask the consultant.

Council Member Macaluso pointed out that the system allows for tracking inventory and to better track what sells.

Council Member Butler asked if the menu would be revised.

Ms. Gardner stated that she recently attended a Renzi Food Show and said that she has some new ideas highlighting some of the new items.

Mayor Graham questioned the price structure and whether the prices included sales tax.

Ms. Gardner said that she is reviewing the prices and confirmed that the prices include sales tax. She responded to Council Member Macaluso that most of the sales are paid by cash.

Mayor Graham remarked that including sales tax in the price cuts the profit margin.

Ms. Gardner pointed out that using round figures speeds up the process.

Mayor Graham reiterated that the cost of labor needs to be reviewed.

Ms. Gardner noted that a full-time employee does the Zamboni and skate sharpening as well as fill in at the concession stand.

### **Sales Tax Revenue – July 2012**

Mayor Graham commented that for the first time in a while this was down compared to the budget and may be a sign of things to come. He suggested that if it continues then it should be something to consider when looking at spending.

### **Journey Concert**

Council Member Smith commented that he attended this concert and felt that the Parks and Recreation Staff did a great job and everything went well.

Ms. Addison commented that there was great collaboration between the Parks and Recreation staff and Fire Department in putting an evacuation plan in place ahead of time.

### **Deck at Maggie's**

Mayor Graham stated that after the last discussion there was a general consensus to move forward with this but reminded Council that one of the individuals in the company was a subject of a recent judgment by the City. He suggested that this should be cleaned up as a condition of any future deal.

### **Paul Simmons and Various Baseball Leagues**

Mayor Graham stated that he was contacted by Paul Simmons in regards to him taking over various baseball leagues that the City runs and the Mayor suggested that such proposals should go through staff and the City Manager's Office. Mayor Graham remarked that this request does not come with any endorsement on his part and he just sent it in that direction.

### **Aviary Update**

Mayor Graham mentioned that he and Council Member Butler met with the committee but there is nothing to report at this time.

### **Larceny at the Fairgrounds during the Red and Black Game**

**Gary Comins**, Chief of Police updated Council on this incident stating that it is still an open investigation but the police are looking into a couple of things.

Mayor Graham inquired about the news report stating there was a gun stolen.

Chief Comins replied that there was no handgun reported stolen to the police.

Council Member Burns asked which locker room was involved.

Chief Comins said that it was the visitor's locker room at the baseball field.

Mayor Graham commented that the grandstand is removed from the football field and asked if anyone remains at the grandstand.

Ms. Gardner stated that when the teams take the field there is no one left at the grandstand. She explained that Parks and Recreation staff unlocks the locker room for the visiting teams and it is their responsibility to lock it when they leave. At half-time, she said, the Park and Recreation staff unlocks the door again and the team is to make sure it is locked when they take the field.

She indicated that this process is repeated at the end of the game and then the Parks and Recreation staff ensures that it is locked at the end of the night.

**Watertown Appreciation Ceremony at the J.B. Wise Pavilion**

Ms. Addison reminded Council that they are invited to the Watertown Appreciation Ceremony at the J.B. Wise Pavilion on Saturday, August 25<sup>th</sup> at 11:00 a.m. during the Saturday's Farmers' Market.

**Motion was made by Council Member Joseph M. Butler, Jr. to move into Executive Session to discuss employment history of a specific individual and Collective Bargaining.**

**Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

Kurt Hauk, City Engineer was asked to attend the Executive Session.

Council moved into Executive Session at 8:04 p.m.

Council reconvened at 9:26 p.m.

**A D J O U R N M E N T**

**At the call of the chair, meeting was duly adjourned at 9:26 p.m. by motion of Mayor Jeffrey E. Graham, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**Ann M. Saunders**

City Clerk